

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REYA AREY,

Plaintiff,

v.

NORTH SEATTLE COMMUNITY
COLLEGE,

Defendant.

CASE NO. 2:24-cv-00302-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte on pro se Plaintiff Reya Arey's complaint. Dkt. No. 1. Ms. Arey alleges that she has been subjected to discrimination, harassment, and retaliation while working for North Seattle Community College. *Id.* at 1.

Federal courts are courts of limited jurisdiction, and they "possess only that power authorized by Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). This means that the Court can only hear certain types of cases. *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1746 (2019). The typical bases for federal jurisdiction are established where (1) the complaint presents a federal question "arising under the Constitution,

1 laws, or treaties of the United States” or (2) where the parties are diverse (e.g., citizens of different
2 states) and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1331, 1332(a). The Court
3 must dismiss the action if it “determines at any time that it lacks subject-matter jurisdiction[.]”
4 Fed. R. Civ. P. 12(h)(3).

5 Here, Ms. Arey asserts that the Court has jurisdiction “[p]ursuant to 28 U.S.C. §§ 1391 and
6 Article III of the Con[stitution] for the United States of America[.]” Dkt. No. 1 at 2. Section 1391
7 is a venue statute that does not supply a basis for subject matter jurisdiction. Article III of the U.S.
8 Constitution grants federal courts authority to adjudicate cases or controversies, *see Thomas v.*
9 *Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1138 (9th Cir. 2000) (en banc), but “district
10 courts may not exercise jurisdiction absent a statutory basis,” *Home Depot U.S.A., Inc.*, 139 S. Ct.
11 at 1746 (quoting *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005)).

12 Section 1332(a)(1) requires complete diversity; that is, each plaintiff must be a citizen of a
13 different state than each of the defendants. *See Exxon Mobil Corp.*, 545 U.S. at 553 (“[T]he
14 presence in the action of a single plaintiff from the same State as a single defendant deprives the
15 district court of original diversity jurisdiction over the entire action.”). Because Ms. Arey is a
16 citizen of Washington and brings this action against a Washington Defendant, Dkt. No. 1 at 2; Dkt.
17 No. 1-1 at 1, she fails to establish subject matter jurisdiction under Section 1332.

18 Turning to Section 1331, a plaintiff’s action “arises” under federal law when a federal law
19 creates a particular cause of action or the plaintiff requests relief under a state law that requires the
20 interpretation of federal law. *Republican Party of Guam v. Gutierrez*, 277 F.3d 1086, 1088 (9th
21 Cir. 2002). “The presence or absence of federal-question jurisdiction is governed by the well-
22 pleaded complaint rule, which provides that federal jurisdiction exists only when a federal question
23 is presented on the face of the plaintiff’s properly pleaded complaint.” *Id.* at 1089 (cleaned up). In
24 other words, for this Court to have subject matter jurisdiction over Ms. Arey’s complaint pursuant

1 to Section 1331, she must allege a federal question on the face of her properly pleaded complaint—
2 i.e., allege the federal law or question implicated by her factual allegations. *See Merrell Dow*
3 *Pharms. Inc. v. Thompson*, 478 U.S. 804, 809 n.6 (1986) (“Jurisdiction may not be sustained on a
4 theory that the plaintiff has not advanced.”).

5 Ms. Arey’s complaint does not include any federal question. The caption and footer of her
6 complaint note “civil and constitutional right violations” and the complaint generally references
7 “federal law” Dkt. No. 1 at 1, but the complaint does not include a federal statutory or
8 constitutional claim. Although the Court must construe a pro se litigant’s pleadings liberally, *see*
9 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992), a plaintiff may not invoke the limited
10 jurisdiction of federal courts “so simplistically” as to merely allege violations of the United States
11 Constitution or “federal law.” *Yokeno v. Mafnas*, 973 F.2d 803, 807 (9th Cir. 1992); *see also*
12 *Thompson v. Reed*, No. 6:22-CV-00600-AA, 2023 WL 4686103, at *3 (D. Or. July 21, 2023) (“A
13 plaintiff’s bare citation to the Constitution and vague and conclusory allegations fail to establish
14 the requisite subject matter jurisdiction[] under the well-pleaded complaint rule.” (quotation marks
15 and citation omitted)). Ms. Arey’s complaint does allege a violation of the Washington Law
16 Against Discrimination (“WLAD”), but this arises under state law, not federal law. Wash. Rev.
17 Code § 49.60. Accordingly, Ms. Arey’s complaint does not establish subject matter jurisdiction.

18 Ms. Arey is thus ORDERED TO SHOW CAUSE why her complaint should not be
19 dismissed for lack of subject matter jurisdiction. Ms. Arey shall, within thirty (30) days of the date
20 of this Order, file an amended complaint that (1) provides a short and plain statement of the factual
21 basis for each of the claims against each defendant as required by Federal Rule of Civil Procedure
22 8, and (2) identifies the basis for the Court’s subject matter jurisdiction. Such amended complaint
23 operates as a complete substitute for an original pleading. *See Ferdik*, 963 F.2d at 1262. For that
24 reason, any amended complaint must clearly identify the defendant(s), the claim(s) asserted, the

1 specific facts that Ms. Arey believes support each claim, and the specific relief requested. If a
2 proper amended complaint is not filed within thirty (30) days of the date of this Order, the
3 complaint will be dismissed without prejudice.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
5 to Ms. Arey at her last known address.

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7 Dated this 8th day of May, 2024.

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Lauren King
10 United States District Judge
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